

August 11, 2014

BY ECF FILING

The Honorable William H. Pauley, III
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Stewart Turner v. Richard J. Davis (In re Fletcher International, Ltd.), 14 Civ. 02836 (WHP)

Dear Judge Pauley:

In his July 3, 2014, letter to You referencing my appeal, Mr. Luskin wrote, "The Court should direct him to post a bond that is sufficient to cover the costs that the estate will incur in defending this appeal, including damages to the estate and a likely award of sanctions."¹

I acknowledge Your August 6, 2014 ruling where the "Court declines to include sanctions under Rule 38 in calculating such costs."²

Also on August 6, 2014, the United States Court of Appeal for the Second Circuit ordered that I file my brief in regard to said appeal on or before September 15, 2014. A copy is attached as Exhibit A.

Although I have contacted a number of parties in regard to funding the bond per Your Order, I have not yet secured funding for this bond as of today. Per Your Order, I currently have only two more days to post such bond.

Given the briefing schedule of the Second Circuit where the Appellee would have 14 days after I file my brief to request a deadline within 91 days to file its brief, I do not see how the estate would or should incur any costs prior to my filing my brief. As such, I humbly ask the Court to allow me to have additional time to post a bond.

Accordingly, I request a modification of Your Order such that I be permitted until the earlier of my filing my brief with the Second Circuit or September 8, 2014 (one week before the brief is due) to post a bond.

Respectfully submitted,



Stewart Turner

¹ Luskin letter of July 3, 2014 (Document 27), page 3.

² Your August 6, 2014 Memorandum & Order (Document 38), page 4.

Exhibit A

**UNITED STATES COURT OF APPEALS
for the
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 6th day of August, two thousand and fourteen,

In Re: Fletcher International, LTD.,

Debtor.

ORDER

Docket Nos: 14-1856 (L),
14-2339 (Con)

Alphonse Fletcher, Jr., Stewart Turner,

Appellants,

v.

Richard J. Davis, Chapter 11 Trustee of Fletcher
International, Ltd.,


Trustee - Appellee.

Counsel for APPELLANT Stewart Turner has filed a scheduling notification pursuant to the Court's Local Rule 31.2, setting 09/15/14 as the brief filing date.

It is HEREBY ORDERED that Appellant's brief must be filed on or before 09/15/14. The appeal is dismissed effective 09/15/14 if the brief is not filed by that date. A motion to extend the time to file the brief or to seek other relief will not toll the filing date. See Local Rule 27.1(f)(1); cf. RLI Insurance Co. v. JDJ Marine, Inc., 716 F.3d 41, 43-45 (2d Cir. 2013).

For The Court:

Catherine O'Hagan Wolfe,
Clerk of Court

A circular court seal for the Second Circuit is positioned over the signature. The seal contains the text "UNITED STATES COURT OF APPEALS" and "SECOND CIRCUIT".
